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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.           | CONFIRMATION NO.       |
|--|-------------|----------------------|-------------------------------|------------------------|
| 10/674,885   | 09/30/2003  | Thomas P. Chu        | CHU 6-4-6-10<br>(LCNT/125695) | 9224                   |
| 46363 7590 12/18/2007<br>PATTERSON & SHERIDAN, LLP/<br>LUCENT TECHNOLOGIES, INC<br>595 SHREWSBURY AVENUE<br>SHREWSBURY, NJ 07702 |             |                      | EXAMINER<br>PEZZLO, JOHN      |                        |
|  |             |                      | ART UNIT<br>2619              | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>12/18/2007       | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/674,885

Applicant(s)

CHU ET AL.

Examiner

John Pezzlo

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1-3, and 5-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fangman et al. (US 2002/0150083 A1) hereinafter Fangman.

1. Regarding claim 1 – Fangman discloses (a) determining the relative location of a terminating point with respect to an originating point of a new communication containing the voice data, (b) determining one or more IP addresses to egress the communication from the originating point to the terminating point, (c) creating a VPN identifier in the voice data, (d) passing the new communication to the terminating point, and (e) removing the VPN identifier from the voice data, refer to Figures 4A, 4B, 6A-6C, 7A-7C, and paragraphs [0261] to [0275] and [0296] to [0343].

2. Regarding claim 2 – Fangman discloses the VPN identifier is an extra field added to an encapsulation coding scheme of the voice data, refer to Figures 6A-6C and paragraphs [0306] and .
3. Regarding claim 3 – Fangman discloses the VPN identifier is an MPLS label, refer to paragraphs [0048] and .
4. Regarding claim 5 – Fangman discloses the VPN identifier identifies a location selected from the group consisting of the originating point, terminating point or an intermediate location there between, refer to Figures 4A, 4B, 6A-6C, 7A-7C, and paragraphs [0261] to [0275] and [0296] to [0343].
5. Regarding claim 6 – Fangman discloses collecting and analyzing dialed digits of the terminating point to determine whether PSTN gateway or inter-VPN gateway functions process the new communication, refer to Figures 4A, 4B, 6A-6C, 7A-7C, and paragraphs [0261] to [0275] and [0296] to [0343].
6. Regarding claim 7 – Fangman discloses IP address space of the originating point is from a subscriber's IP address space, refer to Figures 8A-8C and paragraphs [0345] to [0363].
7. Regarding claim 8 – Fangman discloses IP address of the terminating point is from a subscriber's IP address space, refer to Figures 8A-8C and paragraphs [0345] to [0363].

8. Regarding claim 9 – Fangman discloses assigning an IP address from a subscriber's IP address space to represent a phone from a PSTN, refer to Figures 10A and 10B and paragraphs [0379] to [0397].

9. Regarding claim 10 – Fangman discloses assigning an IP address from IP address space of the terminating point to represent the originating point, when communicating with the terminating point, refer to Figure 11 and paragraphs [0399] to [0408].

10. Regarding claim 11 – Fangman discloses assigning an IP address from IP address space of the originating point to represent the terminating point, when communicating with the origination point, refer to Figure 11 and paragraphs [0399] to [0408].

11. Regarding claim 12 – Fangman discloses the inter-VPN gateway function translates the IP address of the originating point to the assigned IP address when forwarding voice data to the terminating point, refer to Figures 4A, 4B, 6A-6C, 7A-7C, and paragraphs [0261] to [0275] and [0296] to [0343].

12. Regarding claim 13 – Fangman discloses the inter-VPN gateway function translates the IP address of the terminating point to the assigned IP address when forwarding voice data to the originating point, refer to Figures 4A, 4B, 6A-6C, 7A-7C, and paragraphs [0261] to [0275] and [0296] to [0343].

13. Regarding claim 14 – Fangman discloses the dialed digits are a private number from the subscriber's own private numbering scheme, refer to Figures 4A, 4B, 6A-6C, 7A-7C, and paragraphs [0261] to [0275] and [0296] to [0343].

14. Regarding claim 15 – Fangman discloses the dialed digits are a public telephone number, refer to Figures 10A and 10B and paragraphs [0379] to [0397].

15. Regarding claim 16 – Fangman discloses at least one soft-switch which processes call signaling messages from subscribers, at least one packet switch having an interface to said at least one soft-switch, said packet switch having a VPN processing module for establishing voice calls on a selection of originating and terminating IP addresses passed to the at least one soft-switch and at least one packet switch, refer to Figures 4A, 4B, 6A-6C, 7A-7C, and paragraphs [0180] and [0261] to [0275] and [0296] to [0343].

16. Regarding claim 17 – Fangman discloses said at least one soft-switch is an ingress soft-switch and an egress soft-switch, refer to Figures 4A, 4B, 6A-6C, 7A-7C, and paragraphs [0180] and [0261] to [0275] and [0296] to [0343].

17. Regarding claim 18 – Fangman discloses said at least one packet switch is an ingress packet switch and an egress packet switch, refer to Figures 4A, 4B, 6A-6C, 7A-7C, and paragraphs [0261] to [0275] and [0296] to [0343].

18. Regarding claim 19 – Fangman discloses creating call terminations and contexts, attaching said call terminations to said context, cross-connecting call terminations in a context, inserting and removing VPN identifiers, and mapping call terminations to connections, refer to Figures 4A, 4B, 6A-6C, 7A-7C, and paragraphs [0261] to [0275] and [0296] to [0343].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fangman (same as above).

1. Regarding claim 4 – Fangman does not explicitly disclose the VPN identifier is a VPN identifier as specified in IETF RFC.2685.

At the time of the invention is would have been obvious to an ordinary person of skill in the art to provide Fangman with a VPN identifier as specified in IETF RFC 2685.

The suggestion/motivation for doing so would have been that Fangman wants a system that is interoperable and scalable (refer to paragraphs [0005], [0007], [0008], [0269], and [0409])

therefore providing Fangman with the VPN identifier as specified in IETF RFC 2685 will provide for standardization and interoperability between systems and other vendor equipment making the entire VOIP network easier to use and more compatible for the user.

### ***Response to Arguments***

Applicant's arguments filed 10/23/07 have been fully considered but they are not persuasive. On pages 7-9 of the response the applicants argue that the reference, Fangman, does not teach "Specifically, Fangman fails to teach or suggest at least the limitations of "(c) creating a VPN identifier in the voice data; (d) passing the new communication to the terminating point; and (e) removing the VPN identifier from the voice data". The examiner respectfully disagrees. Paragraph [0045] Fangman discloses that an IP telephone is a device that receives an analog input and encodes the signal into an IP data stream and also performs the reverse operation. In Figures 4A, 4B and 6A-6C Fangman discloses "place and receive calls using the IP telephones". The applicants have argued that Fangman only performs setup of the IP telephone calls. Fangman describes in detail how the VPN identifier is created in the setup of the call and then used to perform IP data communication and once completed the call is terminated and the VPN identifier is removed and reused for another call, refer to paragraph [0265].

On pages 9 and 10 of the response the applicants argue that Fangman does not teach "a selection of originating and terminating IP addresses passed to the at least one softswitch and at least one packet switch". The examiner respectfully disagrees. Paragraphs [0180] and [0181] of Fangman discloses and define a softswitch as comprising a Media Gateway Controller which



receives the originating and terminating IP addresses as part of the IP call setup. Also, a packet switch is illustrated and utilized in Figures 3A and 3B for carrying out the invention, a selection of originating and terminating IP addresses passed to the at least one packet switch.

The examiner believes the rejection is proper and therefore, this action is made final.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C.

or faxed to:

(571) 273-8300

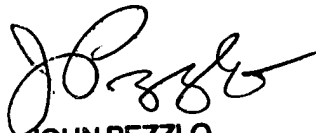
For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building  
2A15  
500 Dulany Street  
Alexandria, VA, 22313.

John Pezzlo

5 December 2007

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**